

Many New Goods JUST OPENED AT SACHS'

You will find these new things all on display distributed in the different departments of the up-to-date store. They represent the very latest ideas in dress goods, curtains and novelties, all very low priced. Something entirely new in dress goods is the SILK EMBROIDERED SATIN LIBERTY. It is suitable for afternoon or evening wear and washable. In dainty designs. Width 36 inches. Only 45c a yard. Among the other new dress materials are MERCEZIZED FANCIES. These are in an abundant assortment of weaves this season, including Mattings, Oxford, Madras, Piques, Crepes, Satin Damask, Brocades, Chevrons and Brillantes. Prices upward from 25c a yard. Wash Neck Wear, 35 cents. Prettier than ever this season. All new. New Wrist Bags, 40 cents. With the latest fittings, including salts bottle and mirror. Colors: gray, tan, blue, red and black. New Belts, 50 cents up. The wide belt has come to stay. Crush leather belts of correct widths in tans, black and colors from 50 cents upwards. Wrist Bags at 75 cents. Good quality of leather and contain separate purses. Colors: Gray, black and tan. Children's Chain Purses in all colors, 15 cents.

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BOCK BEER, \$2.00 A DOZEN QUARTS.
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The Aquarium

NOW OPEN
AT
Kapiolani Park

The Aquarium will be open on Week days from 10 o'clock a. m. to 5 p. m. and from 7 to 9:30 p. m.
On Sundays it will open at 1 p. m.
Admission will be Free on Thursdays
On other days a charge will be made of 10 cents to adults and 5 cents to children under fourteen years of age.

LIGHTHOUSE SUPPLIES DUE

A quantity of supplies for the local lighthouse system are expected by Captain Niblack the assistant lighthouse inspector. It has been decided to adopt a type of light for the local system and there will be installed in addition to the new lights for the system, there will be buoys and apparatus necessary to the installation of the improvements. A number of improvements are to be made but Captain Niblack has not determined as yet where he will start this work first. The lights will be of greater power than those now throughout the system.

Through permission of Admiral Terry, the commandant of the Naval station, Captain Niblack has been allowed to have the use of a house on the naval reservation as a warehouse for the lighthouse supplies. Later the lighthouse service will secure its own warehouse. There are ample funds with which to improve the Hawaiian lighthouse system and Captain Niblack intends to put it on a first class basis without delay.

A NEW STEAMER.
The Union Steamship Company has decided to place the company's splendid new steamer Manuka on the Vancouver line for one trip, taking the place of the Moana. The Manuka will leave Sydney on May 16 for Brisbane.

MOVING BACK.
The Public Works Department is moving back to the Senate chambers in the capitol building.

Palmer Woods Declares In Favor Of Hearst

DEMOCRATIC SENATOR FROM HAWAII PLACES HIMSELF ON RECORD THIS AFTERNOON IN THE MATTER OF HAWAII'S DELEGATION TO NATIONAL CONVENTION—FAVORS INSTRUCTING FOR HEARST.

Senator Palmer P. Woods of Hawaii has come out for Hearst. The Democratic senator today declared himself as a supporter of Hearst and said moreover that he is in favor of the Democratic delegation to St. Louis being instructed for the Californian.

"I have looked over the political situation carefully," said Senator Woods this afternoon, "and I am satisfied that Hearst is the man that the Democratic Party should nominate, and especially the man to whom Hawaii should give its support in the St. Louis Convention. I am in favor of our delegation to St. Louis being instructed for Hearst and I urge all Democrats to work to accomplish this end."

"It is not necessary at this time, to enter a discussion of the political situation. The fight is along such lines as must be apparent to all. The issues of our national politics are clear-cut and the opportunity for the Democrats making a winning fight this campaign is the brightest that has presented itself in recent years. To win our fight we have but to follow the lines laid down by Hearst and I believe that we should unite solidly to accomplish this result."

"Hawaii is more than usually concerned in the nomination of Hearst. While he is a resident of New York he is nevertheless a Californian by birth, and as such, he has the interests of Hawaii more at heart than any other man that could be put up. It is important to Hawaii to see him elected. While we can not contribute directly to his election, we can contribute to secure his nomination. It is to our interests to do this and I hope to see practically no opposition in our convention to instructing the delegation for Hearst."

"There is now the strongest sentiment in favor of sending an instructed delegation from Hawaii for Hearst and as the issues of the campaign become more fully known, and the people realize more fully the extent to which Hearst stands as their champion, I believe that the demand that our delegation support Hearst in the convention will be so overwhelming that the convention will be a unit on this score."

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"The government band may have to go away or suffer at least partial disintegration, says Kappelmeister Berger, on account of the smallness of the appropriation for the coming year. The present scale of expenditures continues up to June 30, unless the governor should take action to put the law of July 1 next into effect at once, as he is authorized by joint resolution to do. When the cut comes, says Berger, the monthly sum will not be enough to hold the present band together."

"We had a cut of \$200 a month which went into effect last January," said Berger "and now there is to be another cut of \$200. I cannot ask the boys who have been getting \$60 and more a month to come down to \$35 or \$30. In some cases if the band is to be kept up, I shall have to take new boys and teach them, dropping the higher salaried men."

"I would rather not go away, if means can be found to maintain the organization here. Perhaps there may be subscriptions to make up the deficit. I am at present in correspondence with several parties and have been discussing a tour with Joe Cohen, but I have not seen the Governor since the appropriation bill passed and do not know what is to be done. He authorized me to enter into correspondence with people at St. Louis and elsewhere, to arrange for a tour, and I have done so."

"If the band should be away for three or four months, that much of its appropriation could be saved, and the balance would be enough for the rest of the year, if we could be allowed to use it all that way."

"I think it is my duty if there is an opportunity for the boys to make some money and have a trip to St. Louis and elsewhere, to try and make arrangements. They get only small pay from the government, while on the trip they are to get two and a half or three dollars a day and their expenses. It is a chance which they will all probably jump at, though I have not yet talked to them about it."

Wants To Get Rid Of Fire Claims Money

R. W. Breckons is bringing about twenty suits in the Federal court in behalf of F. W. MacLennan, the United States Treasury disbursing agent, who came here with a million dollars for Chinatown fire claims and still has some of the money. The object of the suits, as far as MacLennan is concerned, is to get rid of the coin, so that conflicting claims may be determined. The suits are all in cases where various parties have claims upon the awards, most of them, being insurance cases. The sum still in the possession of MacLennan, and of which he wants to dispose, aggregates about \$30,000.

The complaints set forth the facts as to the destruction of Chinatown and subsequent steps to adjudicate and pay claims, the appropriation of a million dollars by Congress and appointment of MacLennan as disbursing agent. The following from the complaint in the case of William F. MacLennan vs. Hong Quon et al, is in the same form as the other twenty suits:

"That by reason of the passage of said Act of Congress, the appointment of your said orator as disbursing agent, and the placing in his hands of said sum of one million dollars, there is now in the possession of your said orator, for the purpose of paying in part the said judgment rendered on the 24th day of May, A. D. 1902, and a copy of the record of which is heretofore set forth, the sum of \$6751.48.

"That the said sum of \$6751.48 is now in the hands of your said orator, and is due from your said orator to the person or persons entitled to the same under the said judgment so as aforesaid rendered on the 24th day of May, A. D. 1902; and your orator has always been ready and willing, and now is ready and willing, and hereby offers to pay the said sum of \$6751.48 in such manner and to such person or persons as your Honor shall direct.

"That the said Hong Quon, L. Apans, L. Tuckong, Tong Phong, Tong Chung Wai, Lum Say Kan, T. Chung Boy, Lum Chung Wai, L. Alai, and Leong Nam, co-partners as aforesaid, and the said North German Fire Insurance Company, the said Royal Insurance Company, and the said Liverpool & London & Globe Insurance Company, and each of them, severally set up claims to the said sum of \$6751.48, and each of them do severally and distinctly insist of some right or title to said sum, and do threaten to commence and bring several actions at law against him for the payment of the same, and otherwise to vex and harass him concerning the same; which things of the said defendants are contrary to equity and good conscience, and tend to the manifest injury of your said orator. And your orator does not know to which of

DICKEY ORDERED TO ISSUE EXECUTION

SUPREME COURT HANDS DOWN ANOTHER MAJORITY DECISION, WITH JUSTICE GALBRAITH DISSSENTING—THE QUESTION OF DISTRICT COURT EXECUTIONS AND BONDS AND THEIR POSSIBLE OBSTRUCTION OF THE RIGHT TO JURY.

The Supreme Court, with Justice Galbraith dissenting, today gave a decision in the case of E. O. Hall & Sons vs. Lyle A. Dickey. The suit was for a peremptory writ of mandamus to compel Dickey to issue an execution for \$309.40, in a case where Dickey had given judgment. Dickey refused to issue execution on the ground that the statute regarding executions did not authorize him to do so, not being applicable in cases involving over \$20. The main question decided is as to whether the statute requiring a bond or no bond, in the magistrate's discretion, to procure a stay of execution, operates to obstruct the right of trial by jury.

The opinion of the court, by Justice Perry, says: "The statute, it must be observed, does not give the magistrates the arbitrary power of determining what appellants may have an appeal or a jury trial without depositing the bond and what ones only after such deposit. It merely vests in them the power to determine in their discretion, a judicial discretion, in what cases the bond shall be required, and goes further and furnishes the standard by which they are to be guided in arriving at that determination, by providing that the bond shall be required only in those cases in which good cause is shown for the immediate issuance of execution. If this discretion is abused there is a remedy by appeal. There is no inequality in the provision. All are treated alike who are situated under like circumstances."

"Inequality, indeed, there might be if dishonest parties appealing solely for the purposes of delay or of harassing the appellee, should be permitted to prevent the enforcement of a just judgment without being required to give some such security as is here provided for. As was said by the Supreme Court of Pennsylvania in Biddle v. Commonwealth, 13 S. & R. 405, 411, in answering the contention that the right of appeal and of trial by jury was clogged with the statutory condition of the appellant's making oath 'that he verily believed that injustice had been done him, and that the appeal was not made for the purpose of delay, (this condition is very similar, if not the same in substance as, that prescribed by our statute): 'This is no more than a wholesome regulation. The object of courts is, to administer justice, and no man has a right to complain, because he is refused an appeal intended for the purpose of delay, or in a case in which he does not think that he has suffered injustice. It might as well be said, that the trial by jury was attacked by a law which should forbid a defendant to put in a dilatory plea or to plead non est factum, in an action of debt on a bond, without swearing that he believed the matter of the plea to be true. Laws such as these promote justice, and leave the substance of the trial by jury unimpaired, and that is all that is required by these expressions in the Constitution, 'that trial by jury shall be as heretofore.'"

The court holds that the respondent should have been sued as district magistrate and not in his individual capacity but that the intent to sue him as magistrate was evident. An amendment will be allowed, and a peremptory writ will be issued directing Dickey to issue an execution at once unless a bond is filed says the decision.

Justice Galbraith takes a decidedly different view declaring one of his reasons for denying the writ to be "elementary." His dissenting opinion gives the following as the first reason for denying the writ: "That the defendant is sued as Lyle A. Dickey, not as Lyle A. Dickey, First District Magistrate of Honolulu, and the writ is directed to himself in the same form. This court might compel by mandamus the defendant as an official to perform some duty required of him by law and which he refuses to perform but as an individual, we have no power to control his conduct by this extraordinary writ. This proposition is elementary."

Justice Galbraith further says: "Aside from the foregoing objections this statute if it means what the plaintiff contends it means, placed restrictions and limitations around the constitutional right of trial by jury or method of obtaining it that is clearly beyond the power of the Territorial Legislature to do. The mandate alike to the legislature and the court is that 'the right of trial by jury must be preserved.' Placing the power within the discretion of a district magistrate to deny the right to appeal to the circuit court where the right to a jury trial may be had or to make it conditional on going a bond within the discretion of the magistrate is certainly restricting the right in such manner that it cannot properly be said 'to be preserved.' In other words it places restrictions on the right to appeal in some cases that is not required in others."

"What this court said in regard to this statute prior to the adoption of the amendment now under consideration is equally pertinent in this connection, namely: 'There is strong ground for the contention that the issuance of execution on the judgment of the District Court where a jury trial is impossible, pending an appeal to the Circuit Court where such a trial is available is practically a denial of the right to a jury trial. * * * To be entirely effective this right should be available before the defendant's property is seized and sold under execution. To seize and sell his property and then permit him to have a jury trial to determine whether or not it should have been seized and sold, is to put it mildly, placing restrictions about the constitutional guarantee that ought not to be unheld.'"

"The statute is wrong in theory. It gives an obvious advantage to the wealthy over the poor litigant. If a bond to pay the judgment on appeal is required as a condition to an appeal it ought to be required in all cases not left to the discretion of a district magistrate or any other officer to say who shall give bond and who shall not before appealed to the Circuit Court."

"The peremptory writ should be denied and the proceedings dismissed." J. A. Mathewman appeared for petitioner and W. C. Achi for respondent.

"CARTER'S COWBOYS"	
Haw. Sugar Co.	21.00
Honolulu Sugar Co.	22.50
Honolulu Sugar Co.	100.00
Kahuku Plan. Co.	14.00
Kihel	18.50
Kipahulu Sugar Co.	7.00
Koloa	40.00
McBryde	120.00
Oahu Sugar Co.	2.00
Onomea Sugar Co.	82.50
Pioneer Mill	25.00
Pioneer Mill	77.50
Waialua Agr. Co.	37.50
Waialua Agr. Co.	41.00
Waialua Electric	140.00
Hon. R. T. Co.	95.00
Hon. R. T. Co.	100.00
Hon. R. T. Co.	82.50
Mutual Telephone Co.	8.50
Hawaiian Gov't	98.00
Hilo R. R. Co.	100.00
Hon. R. T. Co.	100.00
Ewa Plantation Co.	104.00
Oahu Railway Co.	104.00
Oahu Sugar Co.	100.00
Waialua Agr. Co.	100.00
Pioneer Mill Co.	100.00

The lists are still open for suggestions which will help the delegation attract attention as it goes along.

PUSHING THE BAND PROJECT.
Joe Cohen will bring his band project to the attention of the Chamber of Commerce at its meeting this afternoon. He will once more seek to enlist the aid of the citizens in the plan to take the band on a concert tour of the mainland as an advertising scheme.

THE DELEGATES.
There will be at least nine delegates to the National Convention at Chicago. Senator McCandless and S. L. Desha have stated that they will not go. The six delegates, Carter, Kuhua Hoogs, Robertson, Robinson and Knudsen, will all go, and Breckons Dickey and Brodie will go as alternates.

KAILI RESIGNS.
District Magistrate Kaili of Waialua, who appeared before Judge Lindsay yesterday on a charge of adultery, has sent his resignation as magistrate to the governor.

HONOLULU STOCK EXCHANGE.
Wednesday, April 29.
Between Boards: 15000 Kahuku bonds, \$100.
Quotations Bid. Asked.
C. Brewer & Co. \$203.00
Ewa Plan. Co. 19 75
Hawaiian Agr. 110.50

NEW ADVERTISEMENTS

EWA PLANTATION CO.

The Directors of this corporation having declared a monthly dividend of 1% of Dividend No. 82 is due and payable on Saturday, April 26th, 1904, to stockholders of record at the close of the stocktransfer books Thursday, April 22nd, 1904, at 3 p. m. The stocktransfer books will be reopened Monday, May 2nd, 1904.

W. A. BOWEN, Treasurer.

Honolulu, April 26, 1904.

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